

OCT. 31. 2001 8:34AM. BSKB COM

NO. 8726 P. 8

PATENT
0147-0215P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: NEUHAUS, Ekkehard et al. Conf.: unassigned
Appl. No.: 09/674,768 Group: unassigned
Filed: November 6, 2000 Examiner: unassigned
For: TRANSGENIC PLANTS WITH A MODIFIED
ACTIVITY OF A PLASTIDIAL ADP/ATP
TRANSLOCATOR

STATEMENT BY INVENTOR

October 22, 2001

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This communication is an attachment to a Petition to Correct Inventorship under 37 C.F.R. § 1.48(a), filed in connection with the above-identified application and previous PCT/EP99/03292.

I, Norbert Martini of Herbigstrasse 3g, D-50825 Köln, GERMANY, was incorrectly named as a coinventor of the above-identified application.

The inventorship error occurred without deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information

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NO. 8726 P. 9

Appl. No. 09/674,768

and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

05.11.2001
Date

Norbert Martini
Signature

Norbert Martini
Type name of person signing

(Rev. 09/27/01)

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OCT. 31. 2001 8:34AM BSKB COM

VOSSIUS & PARTNER

NO. 8726 P. 6

PATENT
0147-0215P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: NEUHANS, Edoehard et al. Conf.: unassigned
Appl. No.: 09/674,768 Group: unassigned
Filed: November 6, 2000 Examiner: unassigned
For: TRANSGENIC PLANTS WITH A MODIFIED
ACTIVITY OF A PLASTIDIAL ADP/ATP
TRANSLOCATOR

STATEMENT BY INVENTOR

October 31, 2001

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This communication is an attachment to a Petition to
Correct Inventorship under 37 C.F.R. § 1.48(a), filed in
connection with the above-identified application and previous
PCT/EP99/03292.

I, Jozef Schell of Carl-von-Weg 12, D-50829 Köln, GERMANY,
was incorrectly named as a coinventor of the above-identified
application.

The inventorship error occurred without deceptive intention
on my part.

I hereby declare that all statements made herein of my own
knowledge are true and that all statements made on information

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PLANTTEC BIOTECHNOLOGIE
+49 89 4136 4400

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VOSSIOS & PARINER

NO. 8726 P. 7

OCT. 31. 2001 8:34AM

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Appl. No. 09/674,768

and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Nov 8, 2001
Date

W. H. H.
Signature

Jozef Schyall
Type name of person signing

Rev. 09/27/01

BIRCH, STEWART, KOLASCH & BIRCH, LLPP.O. Box 747 • Falls Church, Virginia 22040-0747
Telephone: (703) 205-8000 • Facsimile: (703) 205-8050PLEASE NOTE:
YOU MUST
COMPLETE THE
FOLLOWING**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT AND DESIGN APPLICATIONS**

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated next to my name; that I verily believe that I am the original, first and sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Insert Title:

TRANSGENIC PLANTS WITH A MODIFIED ACTIVITY OF A PLASTIDIAL ADP/ATP TRANSLOCATORFill in Appropriate
Information -
For Use Without
Specification
Attached:

the specification of which is attached hereto. If not attached hereto,

the specification was filed on November 6, 2000 asUnited States Application Number 09/674,768;and amended on November 6, 2000 (if applicable) and/orthe specification was filed on May 12, 1999 as PCTInternational Application Number PCT/EP99/03292; and was

amended under PCT Article 19 on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)**Priority Claimed**Insert Priority
Information:
(if appropriate)

<u>198 21 442.1</u>	<u>Germany</u>	<u>May 13, 1998</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Month/Day/Year Filed)	Yes	No
<u> </u>	<u> </u>	<u> </u>	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Month/Day/Year Filed)	Yes	No
<u> </u>	<u> </u>	<u> </u>	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Month/Day/Year Filed)	Yes	No
<u> </u>	<u> </u>	<u> </u>	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Month/Day/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional applications(s) listed below.

Insert Provisional
Application(s):
(if any)

<u> </u>	<u> </u>
(Application Number)	(Filing Date)
<u> </u>	<u> </u>
(Application Number)	(Filing Date)

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More than 12 Months (6 Months for Designs) Prior to the Filing Date of This Application:

Country	Application Number	Date of Filing (Month/Day/Year)
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

Insert Requested
Information:
(if appropriate)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States and/or PCT application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States and/or PCT application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Insert Prior U.S.
Application(s):
(if any)

<u> </u>	<u> </u>	<u> </u>
(Application Number)	(Filing Date)	(Status - patented, pending, abandoned)
<u> </u>	<u> </u>	<u> </u>
(Application Number)	(Filing Date)	(Status - patented, pending, abandoned)

I hereby appoint the following attorneys to prosecute this application and/or an international application based on this application and to transact all business in the Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the attorneys identified below, unless the inventor(s) or assignee provides said attorneys with a written notice to the contrary:

Raymond C. Stewart	(Reg. No. 21,066)	Terrell C. Birch	(Reg. No. 19,382)
Joseph A. Kolasch	(Reg. No. 22,463)	James M. Slattery	(Reg. No. 28,380)
Bernard L. Sweeney	(Reg. No. 24,448)	Michael K. Mutter	(Reg. No. 29,680)
Charles Gorenstein	(Reg. No. 29,271)	Gerald M. Murphy, Jr.	(Reg. No. 28,977)
Leonard R. Svensson	(Reg. No. 30,330)	Terry L. Clark	(Reg. No. 32,644)
Andrew D. Meikle	(Reg. No. 32,868)	Marc S. Weiner	(Reg. No. 32,181)
Joe McKinney Muncy	(Reg. No. 32,334)	Donald J. Daley	(Reg. No. 34,313)
John W. Bailey	(Reg. No. 32,881)	John A. Castellano	(Reg. No. 35,094)
Gary D. Yacura	(Reg. No. 35,416)		

Send Correspondence to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP

or Customer No. 2292

P.O. Box 747 • Falls Church, Virginia 22040-0747

Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

PLEASE NOTE:
YOU MUST
COMPLETE
THE
FOLLOWING:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First
or Sole Inventor:
Insert Name of
Inventor
Insert Date This
Document is Signed

Insert Residence
Insert Citizenship

Insert Post Office
Address

Full Name of Second
Inventor, if any:
see above

Full Name of Third
Inventor, if any:
see above

Full Name of Fourth
Inventor, if any:
see above

GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Ekkehard, NEUHAUS	<i>E. Neuhaus</i>	22.12.2000
Residence (City, State & Country)	CITIZENSHIP	
Osnabruck, Germany	German	
MAILING ADDRESS (Complete Street Address including City, State & Country)		
Sachsenweg 29 49086 Osnabruck, Germany		
GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Torsten, MOEHLMANN	<i>T. Moehlmann</i>	22.12.2000
Residence (City, State & Country)	CITIZENSHIP	
Bunde, Germany	German	
MAILING ADDRESS (Complete Street Address including City, State & Country)		
Gellertstr. 17 32257 Bunde, Germany		
GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Karl-Heinz, GRAEVE-KAMPFENKEL	<i>K. Graeve-Kampfenkel</i>	31.12.2000
Residence (City, State & Country)	CITIZENSHIP	
Mainz-Kostheim, Germany	German	
MAILING ADDRESS (Complete Street Address including City, State & Country)		
Im Sampel 10A 55246 Mainz-Kostheim, Germany		
GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Joachim, TJADEN	<i>J. Tjaden</i>	22.12.2000
Residence (City, State & Country)	CITIZENSHIP	
Osnabruck, Germany	German	
MAILING ADDRESS (Complete Street Address including City, State & Country)		
Johannisstr. 97 49074 Osnabruck, Germany		

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NO. 8726 P. 10

PATENT
0147-0215F

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: NEUHAUS, Ekkehard et al. Conf.: unassigned
Appl. No.: 09/674,768 Group: unassigned
Filed: November 6, 2000 Examiner: unassigned
For: TRANSGENIC PLANTS WITH A MODIFIED
ACTIVITY OF A PLASTIDIAL ADP/ATP
TRANSLOCATOR

ASSENT OF ASSIGNEE TO CORRECTION
AND/OR ADDITION OF INVENTOR(S)

Assistant Commissioner for Patents
Washington, DC 20231

October 22, 2001

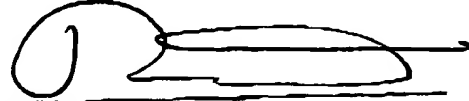
Sir:

Your petitioner, PlantTec Biotechnologie GmbH Forschung & Entwicklung, residing at Hermannswerder 14, D-14473 Potsdam, Germany, represent that they are the present Assignee of the entire interest in U.S. Patent application Serial No. 09/674,768 (Transgenic Plants with a modified activity of a Plastidial ADP/ATP Translocator), which entered the U.S. National Stage on November 6, 2000.

Your petitioner, PlantTec Biotechnologie GmbH Forschung & Entwicklung, hereby consents to a change of inventorship of application serial no. 09/674,768 from the joint invention of NEUHAUS, Ekkehard; MOEHLMANN, Torsten; GRAEVE-KAMPFENKEL, Karl-Heinz; TJADEN, Joachim, to the joint invention of NEUHAUS, Ekkehard; MOEHLMANN, Torsten; GRAEVE-KAMPFENKEL, Karl-Heinz; TJADEN, Joachim. Respectfully submitted, PlantTec Biotechnologie GmbH Forschung & Entwicklung Hermannswerder 14, D-14473 Potsdam, Germany.

Appl. No. 09/674,768

02.11.2001
Date



Signature

Dr. Jörg Riesmeier Managing Director
Type name and title of person
authorized to sign on behalf
of Assignee.

(Rev. 09/27/01)

PlantTec Biotechnologie GmbH
Forschung & Entwicklung
Hermannswerder 14
14473 Potsdam

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Pflanzenphysiologie

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VOSSIUS & PARTNER

NO. 8726 P. 4

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ATTORNEY DOCKET NO. 0147-0215P

BIRCH, STEWART, KOLASCH & BIRCH, LLP

UNITED STATES PATENT RIGHTS, OR
UNITED STATES PLUS ALL FOREIGN PATENT RIGHTS

ASSIGNMENT

Application No. 09/574,768

Filed November 6, 2000

Insert Name(s)
of Inventor(s)

WHEREAS, NEUBAUS, Eikehard MOEHLMANN, Tether
GRAEVE-KAMPFENKE, Kai-Eike TIADEN, Joachim

Insert Title
of Invention

TRANSGENIC PLANTS WITH A MODIFIED ACTIVITY OF A PLASTIDIAL ADIPLATE TRANSLOCATOR

for which an application for Letters Patent of the United States of America has been executed by the undersigned (except in the case of a provisional application).

Insert Date
of Signing of
Application

on _____; and

Insert Name
of Assignee

WHEREAS, PlantTec Biotechnologies GmbH Forschung & Entwicklung

Insert Address
of Assignee

of Hermannswerder 14, D-14471 Potsdam, Germany

its heirs, successors, legal representatives and assigns (hereinafter designated as the Assignee) is desirous of acquiring the entire right, title and interest in and to said invention and in and to any Letters Patent(s) that may be granted therefor in the United States of America and

CHECK BOX
IF APPROPRIATE

☐ in any foreign countries.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) to the undersigned in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, the undersigned has (have) sold, assigned and transferred, and by these presents does sell, assign and transfer unto said Assignee the full and exclusive right to the said invention in the United States of America, its territories, dependencies and possessions and the entire right, title and interest in and to any and all Letters Patent(s) which may be granted therefor in the United States of America, its territories, dependencies and possessions, and if the box above is designated, in any and all foreign countries;

and to any and all divisions, renewals, continuations, conversions and extensions thereof for the full term or terms for which the same may be granted.

Page 1 of 2

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Biotechnologie GmbH
Forschung & Entwicklung

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VOSSIUS & PARTNER

NO. 8726 P. 5

OCT. 31. 2001 8:33AM

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Attorney Docket No. 0147-0215P

The undersigned agree(s) to execute all papers necessary in connection with this application and any continuing, divisional, conversion or reissue applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

The undersigned agree (s) to execute all papers necessary in connection with any interference which may be declared concerning this application or continuation, division, conversion or reissue thereof or Letter Patent(s) or reissue patent issued thereon and to cooperate with the Assignee in every way possible in obtaining and producing evidence and proceeding with such interference.

The undersigned agree(s) to execute all papers and documents and to perform any act which may be necessary in connection with claims or provisions of the International Convention for the Protection of Industrial Property or similar agreements.

The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States of America patent(s) or a grant of a valid United States of America and any foreign patent(s) to the Assignee and to vest all rights therein hereby conveyed to said Assignee as fully and entirely as the same would have been held by the undersigned if this Assignment and sale had not been made.

The undersigned hereby authorize(s) and request(s) the Patent and Trademark Office Officials in the United States of America and in any foreign countries to issue any and all Letters Patents resulting from said application or any continuing, divisional conversion or reissue applications thereof to the said Assignee, as Assignee of the entire interest, and hereby covenants that he has (they have) the full right to convey the entire interest herein assigned, and that he has (they have) not executed, and will not execute, any agreement to conflict herewith.

The undersigned hereby grant(s) the law firm of Birch, Stewart, Kolasch & Birch, LLP the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office for recordation of this document.

The undersigned hereby covenants(s) that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

In witness whereof, executed by the undersigned on the date(s) opposite the undersigned name(s).

Date 8.11.01

Name of Inventor M. E. Neuhaus
(signature) NEUHAUS, Eberhard

Date 8.11.01

Name of Inventor T. Moehlmann
(signature) MOEHLMANN, Torsten

Date 8.11.01

Name of Inventor A. Kraepel
(signature) KRAEPEL-KAMPFENKEL, Karl-Heinz

Date _____

Name of Inventor _____
(signature) KADEN, Joachim

Date _____

Name of Inventor _____
(signature)

Date _____

Name of Inventor _____
(signature)

Page 2 of 2

April 2000

S. 02/10

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PLANTTEC BIOTECHNOLOGIE

-NOV-2001 09:06

BIRCH, STEWART, KOLASCH & BIRCH, LLP
UNITED STATES PATENT RIGHTS, OR
UNITED STATES PLUS ALL FOREIGN PATENT RIGHTS
ASSIGNMENT

Application No. 09/674,768

Filed November 6, 2000

Insert Name(s)
of Inventor(s)

WHEREAS, NEUBAUS, Eberhard MOERLMANN, Tuxten
GRAEVE-KAMPFENKEL, Karl-Eduard TRAEDEN, Joachim

Insert Title
of Invention

Transgenic plants with a modified activity of a plastidial ADP/ATP translocator
for which an application for Letters Patent of the United States of America has been executed by the undersigned (except in the case of a provisional application).

Insert Date
of Signing of
Application

on _____; and

Insert Name
of Assignee

WHEREAS, PlantTec Biotechnologies GmbH Forschung & Entwicklung

Insert Address
of Assignee

of Hermannswender 14, D-14473 Potsdam, Germany

CHECK BOX
IF APPROPRIATE

its heirs, successors, legal representatives and assigns (hereinafter designated as the Assignee) is desirous of acquiring the entire right, title and interest in and to said invention and in and to any Letters Patent(s) that may be granted therefor in the United States of America and ☐ in any foreign countries.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) to the undersigned in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, the undersigned has (have) sold, assigned and transferred, and by these presents does sell, assign and transfer unto said Assignee the full and exclusive right to the said invention in the United States of America, its territories, dependencies and possessions and the entire right, title and interest in and to any and all Letters Patent(s) which may be granted therefor in the United States of America, its territories, dependencies and possessions, and if the box above is designated, in any and all foreign countries;

and to any and all divisions, renewals, continuations, conversions and extensions thereof for the full term or terms for which the same may be granted.

OCT. 31. 2001 8:33AM

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NO. 8726 P. 5

Attorney Docket No. 0147-0215P

The undersigned agree(s) to execute all papers necessary in connection with this application and any continuing, divisional, conversion or reissue applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

The undersigned agree(s) to execute all papers necessary in connection with any interference which may be declared concerning this application or continuation, division, conversion or reissue thereof or Letter Patent(s) or reissue patent issued thereon and to cooperate with the Assignee in every way possible in obtaining and producing evidence and proceeding with such interference.

The undersigned agree(s) to execute all papers and documents and to perform any act which may be necessary in connection with claims or provisions of the International Convention for the Protection of Industrial Property or similar agreements.

The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States of America patent(s) or a grant of a valid United States of America and any foreign patent(s) to the Assignee and to vest all rights therein hereby conveyed to said Assignee as fully and entirely as the same would have been held by the undersigned if this Assignment and sale had not been made.

The undersigned hereby authorize(s) and request(s) the Patent and Trademark Office Officials in the United States of America and in any foreign countries to issue any and all Letters Patents resulting from said application or any continuing, divisional, conversion or reissue applications thereof to the said Assignee, as Assignee of the entire interest, and hereby covenants that he has (they have) the full right to convey the entire interest herein assigned, and that he has (they have) not executed, and will not execute, any agreement in conflict herewith.

The undersigned hereby grant(s) the law firm of Birch, Stewart, Kolasch & Birch, LLP the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office for recording of this document.

The undersigned hereby covenants(s) that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

In witness whereof, executed by the undersigned on the date(s) opposite the undersigned name(s).

Date _____

Name of Inventor _____
(signature) NEUHAUS, Eckhard

Date _____

Name of Inventor _____
(signature) MOEHLMANN, Torsten

Date November 5, 2001

Name of Inventor Karlheinz Graeve-Kampff
(signature) GRAEVE-KAMPPENKEL, Karl-Heinz

Date _____

Name of Inventor _____
(signature) LIADEN, Joachim

Date _____

Name of Inventor _____
(signature)

Date _____

Name of Inventor _____
(signature)

April 2000